

REMARKS

I. General

Claims 1-24 were pending in the present application. Claims 1-3 and 5-24 are rejected in the current Office Action (mailed September 24, 2004). Applicant notes with appreciation the indication of claim 4 as being allowable if rewritten in independent form. The outstanding issues raised in the current Office Action are:

- Claims 1-3, 12-13, 18, and 21-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by published U.S. Patent Application No. 2001/0001268A1 to Menon et al. (hereinafter “*Menon*”);
- Claims 5-7, 9, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Menon* in view of U.S. Patent No. 5,489,914 issued to Breed et al. (hereinafter “*Breed*”);
- Claims 8 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Menon* in view of U.S. Patent No. 4,823,280 issued to Mailandt et al. (hereinafter “*Mailandt*”);
- Claims 10-11 and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Menon* in view of U.S. Patent No. 6,385,609 issued to Barshefsky et al. (hereinafter “*Barshefsky*”); and
- Claims 14-15 and 23-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Menon* in view of published U.S. Patent Application No. 2002/0147936A1 to Wiczer (hereinafter “*Wiczer*”).

In response, Applicant respectfully traverses the outstanding claim rejections, and requests reconsideration and withdrawal thereof in light of the remarks presented herein.

II. Rejections Under 35 U.S.C. § 102

Claims 1-3, 12-13, 18, and 21-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Menon*. To anticipate a claim under 35 U.S.C. § 102, a single reference must

teach every element of the claim, *see* M.P.E.P. § 2131. As discussed further below, Applicant respectfully submits that *Menon* fails to teach each and every element of claims 1-3, 12-13, 18, and 21-22.

Independent Claim 1

Claim 1 recites in part “acquiring at a monitoring probe arranged local to a basestation measurement data for at least one network link parameter of said basestation, measurement data for at least one wireless link parameter of said basestation, and measurement data for at least one operational parameter of said basestation” (emphasis added). *Menon* fails to teach at least the above elements of claim 1. That is, *Menon* does not teach acquiring at a monitoring probe arranged local to a basestation each of the recited measurement data, i.e., for a network link parameter, wireless link parameter, and operational parameter.

The present Office Action cites page 15, paragraphs 0224-0228 of *Menon* in asserting that *Menon* teaches the above elements of claim 1. This relied upon portion of *Menon* provides the following:

[0224] The CPRUs 25, WARPs 32 and base stations 30 and 101 of wireless access systems 10 and 100 each generate and maintain hardware/software/firmware status, and provide this status to the respective system OMC 72. The hardware/software/ firmware status of a CPRU 25, WARP 32 and base station 30 and 101 comprises the ability of the respective CPRU 25, WARP 32 or base station 30 or 101 to support wireless access services within the system 10 or 100.

[0225] Self-testing is performed by each CPRU 25, WARP 32 and base station 30 and 101 on power on and reset, to verify their respective correct operations. A self-test for each base station 30 and 101 comprises a loop test for verification of the respective base station's over-the-air interface. A self-test for each CPRU 25 comprises a loop test for verification of the respective CPRU's over-the-air interface.

[0226] Each CPRU 25, WARP 32 and base station 30 and 101 in wireless access systems 10 and 100 supports self-supervision functionality to detect failures due to equipment, processing, communications, quality of service and environment conditions. The respective self-supervision functionality further supports providing failure information to the system's OMC 72, via hardware status failure reports. In an embodiment, reported failures include the type of failure, the severity of the failure and the identity of any failing component of the respective CPRU 25, WARP 32 or base

station 30 or 101. The self-supervision functionality of each CPRU 25, WARP 32 and base station 30 and 101 also comprises determining when a previously detected failure has ceased, or otherwise corrected itself.

[0227] In an embodiment, whenever a base station 30 of the wireless access system 10 or a base station 101 of the wireless access system 100 is operational, it performs a measurement collection functionality. In an embodiment, the measurement collection functionality includes, but is not limited to, a determination of the uplink radio quality and signal strength on each base station 30 or 101 for all used, i.e., busy, over-the-air channels, the signal strength on idle, i.e., not used, over-the-air channels, the success rate of over-the-air interface procedures, and the availability and usage of the base station's over-the-air resources.

[0228] The base stations' measured, and/or collected values, or results, are reported to the wireless access system 10 or 100, based on a network configurable reporting period. Any base station 30 and 101 may also be requested by the respective system 10 or 100 to cease measurement value reporting. Further, any base station 30 or 101 that was previously requested to cease measurement value reporting may be instructed to resume measurement value reporting.

The above portion of *Menon* does not teach acquiring at a monitoring probe arranged local to a basestation each of the recited measurement data recited by claim 1 (i.e., for a network link parameter, wireless link parameter, and operational parameter). The above-quoted portion of *Menon* describes, in paragraph 0226, that each CPRU 25, WARP 32 and base station 30 and 101 in the wireless access systems supports self-supervision functionality to detect failures due to equipment, processing, communications, quality of service and environment conditions. Such self-supervision functionality supports providing failure information to the system's OMC 72, via hardware status failure reports. This self-supervision functionality is not taught as acquiring measurement data for each of a network link parameter, wireless link parameter, and operational parameter. Indeed, such self-supervision functionality is not described as acquiring any measurement data, but instead simply detects failures.

The above portion of *Menon* further describes, in paragraphs 0227-0228, a base station 30 may further perform a measurement collection functionality. *Menon* specifically teaches that measurement data regarding wireless parameters may be acquired by the base station, such as a determination of the uplink radio quality and signal strength on each base station 30. *Menon* does not teach that the measurement collection functionality of the base

station includes acquiring measurement data for each of a network link parameter, wireless link parameter, and operational parameter, as recited by claim 1, but instead the measurement collection functionality of *Menon* is only described as acquiring measurement data for wireless link parameters of the base station.

The present application explains (*see* paragraphs 0076 – 0079 of the present application) that, as used in the application, the network link parameters and wireless link parameters are parameters of a basestation that may reside within the communication path of the communication service enabled by such basestation; whereas, the operational parameters are not in the path of the communication service being provided by the basestation, but are instead external to such communication path. As discussed above, *Menon* does not address acquiring measurement data for both parameters that are within the communication path and parameters that are not in the communication path.

Thus, *Menon* does not anticipate claim 1 because it fails to teach at least the above element of claim 1. Additionally, claim 1 further recites “formatting said measurement data for said at least one network link parameter, said measurement data for said at least one wireless link parameter, and said measurement data for said at least one operational parameter into a uniform format” (emphasis added). As described above, *Menon* does not teach acquiring each of the recited types of measurement data. Further, *Menon* does not teach formatting the various acquired types of measurement data into a uniform format.

In asserting that *Menon* teaches this element of claim 1, the present Office Action cites page 13, paragraphs [0198] and [0204], and page 15, paragraph [0228], which provide:

[0198] In the BSS management architecture 990, an Operation and Maintenance Center (OMC) management platform 992 interfaces with each of the WARP node management platforms 994 supported by respective WARPs 32 of the system 10. The OMC platform 992 also interfaces with each of the base station node management platforms 996 supported by respective base stations 30 of system 10, or base stations 101 of system 100. In the system 10, the OMC platform 992 interfaces with each of the base station node management platforms 996 via the WARP node management platform 994 of the WARP 32 comprising the respective Base Station System (BSS).

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[0204] In an embodiment, file transfers between the OMC 72 and a WARP 32 of a BSS are accomplished via the Multicast File Transfer Protocol (MFTP). MFTP relies on Internet Protocol (IP)-Multicast networking and the User Datagram Protocol (UDP) for file transfers, and the reliable Transmission Control Protocol (TCP) for negative acknowledgements, to achieve reliable management file transfers within the wireless access system 10. Thus, the OMC protocol stack 880 comprises an MFTP layer 891, which also encompasses the File Transfer Protocol (FTP) functionality. The TCP/UDP layer 883 of the OMC protocol stack 880 supports the TCP functionality used in node management file transfers. The WARP protocol stack 890 also comprises an MFTP layer 892, which encompasses the FTP functionality. The TCP/UDP layer 885 of the WARP protocol stack 890 supports the respective TCP functionality.

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[0228] The base stations' measured, and/or collected values, or results, are reported to the wireless access system 10 or 100, based on a network configurable reporting period. Any base station 30 and 101 may also be requested by the respective system 10 or 100 to cease measurement value reporting. Further, any base station 30 or 101 that was previously requested to cease measurement value reporting may be instructed to resume measurement value reporting.

First, paragraph [0228] describes that the measured values can be reported to the wireless access system 10 or 100 based on a configurable reporting period. Paragraph [0198] describes that a base station system (BSS) management architecture includes an Operation and Maintenance Center (OMC) management platform 992 that interfaces with each of the WARP node management platforms 994. The OMC platform 992 also interfaces with each of the base station node management platforms 996. Paragraph [0204] describes that file transfers between the OMC 72 and a WARP 32 of a BSS are accomplished via the Multicast File Transfer Protocol (MFTP).

Nothing in the above-portions of *Menon* teach that measurement data for each of a network link parameter, a wireless link parameter, and an operational parameter is acquired and formatted into a uniform format, as recited by claim 1. Rather, the above portion of *Menon* merely describes that measurement data, which is taught as being wireless link parameter data (as described above), may be communicated to an OMC platform via a Multicast File Transfer Protocol (MFTP). Again, because *Menon* does not address acquiring measurement data of each of the various types, but instead only mentions acquiring

measurement data regarding wireless link parameters, *Menon* does not teach formatting various types of data into a uniform format, as recited by claim 1.

In view of the above, claim 1 is not anticipated by *Menon* because *Menon* fails to teach at least those elements identified above. Therefore, the outstanding rejection of claim 1 under 35 U.S.C. § 102(e) over *Menon* should be withdrawn.

Independent Claim 12

Claim 12 recites in part “a monitoring probe arranged local to a basestation, said monitoring probe operable to acquire measurement data for at least one network link parameter of said basestation, at least one wireless link parameter of said basestation, and at least one operational parameter of said basestation and format the acquired measurement data into a uniform format” (emphasis added). As described above with claim 1, *Menon* fails to teach at least the above elements of claim 12. That is, *Menon* does not teach acquiring at a monitoring probe arranged local to a basestation each of the recited measurement data, i.e., for a network link parameter, wireless link parameter, and operational parameter. Further, *Menon* does not teach formatting the various acquired types of measurement data into a uniform format.

In view of the above, claim 12 is not anticipated by *Menon* because *Menon* fails to teach at least those elements identified above. Therefore, the outstanding rejection of claim 12 under 35 U.S.C. § 102(e) over *Menon* should be withdrawn.

Independent Claim 21

Independent claim 21 recites in part “at least one module for acquiring measurement data for at least one network link parameter of a basestation; at least one module for acquiring measurement data for at least one wireless link parameter of said basestation; at least one module for acquiring measurement data for at least one operational parameter of said basestation”. As described above with claim 1, *Menon* fails to teach at least the above elements of claim 21. That is, *Menon* does not teach a module for acquiring a network link parameter of a basestation, a module for acquiring measurement data for a wireless link parameter of the basestation, and a module for acquiring measurement data for an operational

parameter of the basestation. Rather, *Menon* only mentions acquiring measurement data regarding wireless link parameters of a basestation.

Further, claim 21 recites “a controller for formatting the measurement data acquired for said at least one network link parameter, said at least one wireless link parameter, and said at least one operational parameter into a uniform format”. As also discussed above with claim 1, *Menon* does not teach formatting the various acquired types of measurement data into a uniform format.

In view of the above, claim 21 is not anticipated by *Menon* because *Menon* fails to teach at least those elements identified above. Therefore, the outstanding rejection of claim 21 under 35 U.S.C. § 102(e) over *Menon* should be withdrawn.

Dependent Claims

In view of the above, Applicant respectfully submits that independent claims 1, 12, and 21 are not anticipated under 35 U.S.C. § 102 over *Menon*. Further, each of dependent claims 2-3, 13, 18, and 22 depend either directly or indirectly from one of independent claims 1, 12, and 21, and thus inherit all limitations of the respective independent claim from which they depend. It is respectfully submitted that dependent claims 2-3, 13, 18, and 22 are allowable not only because of their dependency from their respective independent claims for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compel a broader interpretation of the respective base claim from which they depend).

III. Rejections Under 35 U.S.C. § 103

Claims 5-7, 9, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Menon* in view of *Breed*. Claims 8 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Menon* in view of *Mailandt*. Claims 10-11 and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Menon* in view of *Barshefsky*. Claims 14-15 and 23-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Menon* in view of *Wiczer*.

As described above, Applicant respectfully submits that independent claims 1, 12, and 21 are of patentable merit. Each of dependent claims 5-11, 14-17, 19-20, and 23-24 depend either directly or indirectly from one of independent claims 1, 12, and 21, and thus are believed to be of patentable merit based at least on their dependencies from their respective independent claims.

IV. Conclusion


In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10020057-1 from which the undersigned is authorized to draw.

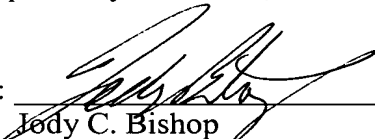
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